

Judge Benjamin H. Settle

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

UNITED STATES OF AMERICA,

Plaintiff,

v.

MICHAEL G. MCPHERSON,

Defendant.

NO. CR19-5213BHS

ORDER GRANTING UNOPPOSED
CONTINUANCE OF TRIAL DATE
AND PRETRIAL MOTIONS DATE

THIS COURT having considered the Joint Status Report submitted by the parties, and General Orders 01-20, 11-20 and earlier Order of the United States District Court for the Western District of Washington addressing measures to reduce the spread and health risks from COVID-19, which are incorporated herein by reference, hereby FINDS as follows:

1. In light of the recommendations made by the Centers for Disease Control and Prevention (CDC) and Public Health for Seattle/Tacoma and King/Pierce County regarding social distancing measures required to stop the spread of this disease, it is not possible at this time to proceed with a jury trial in the immediate future.
2. Further, because of the recommendations that individuals at higher risk of contracting this disease –including individuals with underlying health

1 conditions, individuals age 60 and older, and individuals who are pregnant –
2 avoid large groups of people, at this time, it would be difficult, if not
3 impossible, to get a jury pool that would represent a fair cross section of the
4 community. Based on the recommendations it would also be medically
5 inadvisable to do so.

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7 3. As set out in the parties' joint status report and motion to vacate trial date, the
8 parties are in agreement that the psychological evaluation permitted by the
9 court cannot be conducted in person until September or October 2020.
- 10 4. As a result, the failure to grant a continuance of the trial date in this case would
11 likely result in a miscarriage of justice. Pursuant to 18 U.S.C. § 3161(h)(7)(A),
12 the ends of justice served by continuing the trial in this case outweighs the best
13 interest of the public and the defendant to a speedy trial.

14 IT IS THEREFORE ORDERED that trial is set for November 10, 2020. Pretrial
15 Conference is set for November 2, 2020 at 2:30 p.m. Pretrial motions are due by October
16 1, 2020.

17 IT IS FURTHER ORDERED that the period time from the date of this order up to
18 and including the trial date, shall be excludable time pursuant to 18 U.S.C. § 3161.

19 Dated this 26th day of August 2020.

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BENJAMIN H. SETTLE
United States District Judge

Submitted by:

s/Gregory A. Gruber
GREGORY A. GRUBER
Assistant United States Attorney